UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,863	04/15/2004	Christian Riedl	P04,0099	7106

26574 7590 04/29/2009

SCHIFF HARDIN, LLP
PATENT DEPARTMENT
6600 SEARS TOWER
CHICAGO, IL 60606-6473

EXAMINER	
VO, QUANG N	
ART UNIT	PAPER NUMBER
2625	
MAIL DATE	DELIVERY MODE
04/29/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/824,863	RIEDL, CHRISTIAN	
	Examiner	Art Unit	
	Quang N. Vo	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 March 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *33-63* is/are pending in the application.

4a) Of the above claim(s) *37-40 and 57-60* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *33-36,41-56,61-63* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/04/09 has been entered.

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 33-36, 41-56, 61-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al. (Williams) (US 5,951,008) in view of Bean (US 4,477,218).

Regarding claim 33, William discloses a method to offset stack pages (e.g., the present invention provides new offsetting paper stacking devices, column 1, lines 28-30)

of successive print or copy jobs that are supplied to a page output unit as a page stream (e.g., stacks sheets of paper that are fed into input end of the device; the device may also be used for other applications where it is desirable to easily and efficiently separate sheets of paper, column 1, lines 31-42), comprising the steps of: offset stacking pages of a successive second job over pages of a preceding first job (e.g., the offset paper stack14 is a pile of previously stacked books or groups of sheets of paper 16 under the offsetting paper stacker 10, column 2, lines 2-4) by spatially offsetting the pages of the successive second job with respect to the pages of the preceding first job (e.g., each adjacent group of sheets of paper 16 is offset from each other by offset 18, column 1, line 63 – column 2, line 9).

William differs from claim 33 in that he does not explicitly disclose mechanically fixing an uppermost page of the first job by a continuous downward pressure onto a top surface of uppermost page of the first job after the offset stacking of the pages of the first job and during the offset stacking of all of the pages of the second job without applying pressure on paqes of the second job with mechanical fixing.

Bean discloses mechanically fixing an uppermost page of the first job by a continuous downward pressure onto a top surface of uppermost page of the first job after the offset stacking of the pages of the first job and during the offset stacking of all of the pages of the second job without applying pressure on paqes of the second job with mechanical fixing (e.g., the biasing means contained within the jogger blocks 64 causes the jogger arms 62 to press downwardly, thereby holding the first set of sheets 182 in place on the tray 56, figures 10 and 11, column 8, line 58 – column 9, line 8).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Williams to include disclose mechanically fixing an uppermost page of the first job by a continuous downward pressure onto a top surface of uppermost page of the first job after the offset stacking of the pages of the first job and during the offset stacking of all of the pages of the second job without applying pressure on paqes of the second job with mechanical fixing as taught by Bean. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Williams by the teaching of Bean to secure offset paper sets for stacking.

With regard to claim 34, Bean discloses step of fixing ensues in a region of the uppermost page that is not covered by pages of the second job due to the spatial displacement of the pages of the second job relative to the first job (e.g., figure 11).

Regarding claim 35, Bean discloses wherein step of fixing uses downward pressure on the uppermost page at a region of a corner of the page (e.g., the jogger arms 62 to press downwardly, thereby holding the first set of sheets 182 in place on the tray 56, column 8, lines 65-68).

Regarding claim 36, Bean discloses wherein the pressure is mechanically exerted by a paper hold-down pad (e.g., figure 11).

Regarding claim 41, Williams discloses wherein offset stacking ensues in an output device of a printer or copy device (e.g., The offsetting paper stacker is particularly useful for making books; however, the device may also be used for other applications where it is desirable to easily and efficiently separate sheets of paper,

column 1, lines 39-42. Thus this stacker can be used for offset stacking paper come out from printer or copy device).

Regarding claim 42, Williams discloses wherein step of offset stacking is carried out in a page acceptance region that is bordered by first and second stoppers, stoppers each including a front wall and a side wall arranged at a right angle thereto (e.g., the backstop 32 has a vertical flat surface 36 which stops the sheets of paper 12 at their final position, column 2, lines 38-42; e.g., paper feeding section which guides the sheet 12 to the stacker wheels 24, column 3, lines 1-3), and further comprising the steps of: laterally displacing the pages (e.g., figure 1); using a first paddlewheel (e.g., a left drive wheel 22, figure 1) for offset stacking of the first pages of the first job, first paddlewheel being provided in a region of the first stopper to advance the first pages with their corners into the right angle of the first stopper (e.g., each paper stacker 20 includes a drive wheel, column 2, lines 10-20); using a second paddlewheel (e.g., a right drive wheel 22, figure 1) for the offset stacking of the second pages of the second job, second paddlewheel being provided in a region of the second stopper to advance the second pages with their corners into the right angle of the second stopper (e.g., each paper stacker 20 includes a drive wheel, column 2, lines 10-20); and performing step of mechanical fixing in the region of each stopper (column 2, lines 10-37).

Regarding claim 43, Williams discloses further comprising the steps of: shifting one of first and second paddlewheels and a device to mechanically fix the pages along an axle for a format change-over of the pages (e.g., When the stacker wheels 24 switch direction to start stacking a new book 16, the top sheet of paper 12 of the previous book

16 is held in place with static friction between itself and the sheet of paper 12 underneath the top sheet and between itself and the vertical flat surface 36 of the backstop 32, column 3, lines 34-43).

Regarding claim 44, Williams discloses wherein paddlewheels and a device to mechanically fix the uppermost page are mechanically and rigidly connected with one another (e.g., the stacker wheels are mounted to the framework 54 which can pivot vertically and allow stacker wheels 24 to maintain a constant force on the offset paper stack, column 3, lines 39-43).

Regarding claim 45, Williams discloses further comprising the step of: mechanically fixing an uppermost page of a second page stack to the second page stack after offset stacking of the second job and while a subsequently third job is offset stacked without displacement with regard to
the first page stack (column 3, lines 18-43).

Regarding claim 46, Williams discloses wherein step of mechanically fixing of the uppermost page of the second page in a region of the uppermost page that is not covered by pages of the third job due to spatial displacement of second page stack from third job (e.g., the top sheet of paper 12 of the previous book 16 is held in place with static friction between itself and the sheet of of paper underneath the top sheet and between itself and the vertical flat surface of the backstop, column 3, lines 36-39).

Regarding claim 47, Williams discloses further comprising the step of: raising a fixing device for an uppermost page of a preceding job again after offset stacking of a

plurality of pages of a further subsequent job (e.g., the stacker wheels 24 are mounted to the framework 54 which can pivot vertically and allow the stacker wheels 24 to maintain a constant force on the offset paper stack 14 even though the height of the offset paper stack 14 may vary, column 3, lines 39-43).

Regarding claim 48, Williams discloses wherein the job is a print job (e.g., printed materials, such as books for example, column 1, lines 10-11).

Regarding claim 49, Williams discloses wherein the job is a copy job (column 1, lines 14-18).

With regard to claim 50, Williams differs from claim 50 in that he does not discloses wherein fixing of the uppermost page performed with negative pressure, and a device to fix the uppermost page includes a valve that is opened and closed under control of a vertical position of the device for fixing.

Since Williams discloses the top sheet of bundle/book is held in place (fixing of the uppermost page) when the stacker wheels 24 switch direction to start stacking a new bundle.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have recognized Williams having similar functionality for fixing of the uppermost page before starting with new bundle/book, or at least obvious to provide functional part for performing mechanically fixing an uppermost page for offset stacking.

With regard to claim 51, Williams discloses further comprising the step of: controlling the vertical position of the device to fix with a control shaft which also controls a vertical position of a paddlewheel to offset stack the print or copy job, the device to fix and the paddlewheel moving in opposing directions (column 3, lines 39-43).

Referring to claim 52:

Claim 52 is the device claim corresponding to method step in claim 33 with functional steps corresponding directly to the method step elements in claim 33. Therefore claim 52 is rejected as set forth above for claim 33.

Referring to claim 53:

Claim 53 is the device claim corresponding to method step in claim 34 with functional steps corresponding directly to the method step elements in claim 34. Therefore claim 53 is rejected as set forth above for claim 34.

Referring to claim 54:

Claim 54 is the device claim corresponding to method step in claim 35 with functional steps corresponding directly to the method step elements in claim 35. Therefore claim 54 is rejected as set forth above for claim 35.

Referring to claim 55:

Claim 55 is the device claim corresponding to method step in claim 36 with functional steps corresponding directly to the method step elements in claim 36. Therefore claim 55 is rejected as set forth above for claim 36.

With regard to claim 56, Williams discloses wherein the pressure is exerted with elastic force (e.g., the stacker wheels 24 can pivot vertically and allow the stacker

wheels 24 to maintain a constant force on the offset paper stack 14, column 3, lines 39-43).

Referring to claim 61:

Claim 61 is the device claim corresponding to method step in claim 41 with functional steps corresponding directly to the method step elements in claim 41. Therefore claim 61 is rejected as set forth above for claim 41.

Referring to claim 62:

Claim 62 is the device claim corresponding to method step in claim 43 with functional steps corresponding directly to the method step elements in claim 43. Therefore claim 62 is rejected as set forth above for claim 43.

Referring to claim 63:

Claim 63 is the device claim corresponding to method step in claim 44 with functional steps corresponding directly to the method step elements in claim 44. Therefore claim 63 is rejected as set forth above for claim 44.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Vo whose telephone number is (571)270-1121. The examiner can normally be reached on 7:30AM-5:00PM Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Q. N. V./
Examiner, Art Unit 2625

/David K Moore/

Supervisory Patent Examiner, Art Unit 2625